

Fire Safety Code Board

Of Appeal and Review

Hearing Minutes December 14, 2010

The Rhode Island Fire Safety Code Board of Appeal & Review met at their headquarters located at 1 Regan Court, Varley Building #46, in Cranston, RI on Tuesday, December 7, 2010 at 1:00 P.M. Present were Chairman Newbrook and Commissioners Preiss, Richard, Pearson, Jasparro, Dias and Filippi. Commissioners Walker, Jackson and Blackburn were absent. Also present were Executive Director Thomas Coffey and Deputy Director Carol Marsella.

The following cases were heard.

APPEAL #100242: Dr. Kevin P. Myers, for the property located at 1101 Veterans Memorial Parkway in East Providence. Assistant Deputy State Fire Marshals Elmasian and Bellamy appeared for the East Providence Fire Marshal's Office. Commissioner Richard made a motion, seconded by Commissioner Jasparro, to direct the Applicant to review alternate methods of compliance and then return to the Board on February 22, 2011 with a plan of action for the correction of the outstanding deficiencies in this building. The motion was unanimous.

APPEAL #100115: Mr. Kenneth Andrade, for the property located at 30 Veterans Memorial Parkway in East Providence. Assistant Deputy

State Fire Marshals Elmasian and Bellamy appeared for the East Providence Fire Marshal's Office. Commissioner Preiss made a motion, seconded by Commissioners Richard and Dias, to grant the Applicant a time variance of thirty (30) days in which to present a plan of action for the correction of the outstanding deficiencies in this facility to the East Providence Fire Marshal's Office, and an additional 150 days in which to implement that plan. The East Providence Fire Marshal's Office is granted the authority to extend either or both of the above timelines for good faith efforts being shown by the Applicant. The motion was unanimous.

APPEAL #100283: Mr. Steven Tague, for the property located at 305 Lyon Avenue, East Providence. Assistant Deputy State Fire Marshals Elmasian and Bellamy appeared for the East Providence Fire Marshal's Office. Commissioner Richard made a motion, seconded by Commissioner Jasparro, to grant the following relief. The Applicant is granted a time variance of thirty (30) days in which to present plans to the East Providence Fire Marshal's Office for the installation of a sprinkler system in this facility. The Applicant is granted an additional 150 days in which to implement that plan of action, and the East Providence Fire Marshal's Office is authorized to extend the above timeline up to one (1) year for good faith efforts being shown by the Applicant. The Board grants a time variance of thirty (30) days for the correction of all other outstanding deficiencies in this facility. The occupancy of this facility is set at 100 persons. If the occupancy is expected to exceed 100 people, the Applicant must

contact the East Providence Fire Marshal's Office to arrange for a fire detail at that facility. The motion was unanimous.

APPEAL #100284: Mr. Timothy J. LaRose, for the property located at 80 Richmond Townhouse Road in Carolina. DSFM Katelyn Foley appeared for the State Fire Marshal's Office. Chief Barber of the Richmond-Carolina Fire District was unable to attend the hearing, but sent a letter outlining his recommendations in this case. Commissioner Pearson made a motion, seconded by Commissioner Richard, to approve the Applicant's plan of action. The Board grants the Applicant a time variance of thirty (30) days in which to present a plan of action to the State Fire Marshal's Office and an additional 150 days in which to implement that plan of action. The State Fire Marshal's Office is granted the authority to extend the above timelines for good faith efforts being shown by the Applicant. The motion was unanimous.

APPEAL #100293: Mr. Michael Leber, for the property located at 2 Seaview Avenue in Newport. ADSFM Wayne Clark appeared for the Newport Fire Marshal's Office. Commissioner Jasparro made a motion, seconded by Commissioner Richard, to approve the Applicant's plan of action for the correction of the deficiencies in this facility. The Board grants the Applicant a time variance of thirty (30) days in which to present a plan of action to the Newport Fire Marshal's Office and an additional 150 days in which to implement that plan of action. The Newport Fire Marshal's Office is granted the

authority to extend the above timelines for good faith efforts being shown by the Applicant. The motion was unanimous.

APPEAL #100294: Mr. Michael Leber, for the property located at 8 Seaview Avenue in Newport. ADSFM Wayne Clark appeared for the Newport Fire Marshal's Office. Commissioner Dias made a motion, seconded by Commissioner Filippi, to grant the Applicant a variance to allow this facility to be considered as a bed and breakfast occupancy. The Applicant is directed to correct any outstanding deficiencies within this facility according to the following schedule. The Board grants the Applicant a time variance of thirty (30) days in which to present a plan of action to the Newport Fire Marshal's Office and an additional 150 days in which to implement that plan of action. The Newport Fire Marshal's Office is granted the authority to extend the above timelines for good faith efforts being shown by the Applicant. The motion was unanimous.

APPEAL #100301: Mr. Michael Leber for the property located at 3124 East Main Road in Portsmouth. ADSFM Joseph Bento appeared for the Portsmouth Fire Marshal's Office. Commissioner Pearson made a motion, seconded by Commissioners Jasparro, Richard and Filippi, to grant the following relief. The Applicant is directed to install fire extinguishers within this facility within fifteen (15) days. The Applicant is directed to correct any other outstanding deficiencies within this facility according to the following schedule. The Board grants the Applicant a time variance of thirty (30) days in which to

present a plan of action to the Portsmouth Fire Marshal's Office and an additional 150 days in which to implement that plan of action. The Portsmouth Fire Marshal's Office is granted the authority to extend the above timelines for good faith efforts being shown by the Applicant. The motion was unanimous.

APPEAL #070348: Mr. Lionel Verrier, for the property located at 1620 Post Road in Warwick. ADSFM Peter Marietti appeared for the Warwick Fire Marshal's Office. Commissioner Richard made a motion, seconded by Commissioner Filippi, to grant the Applicant various time variances in which to correct the outstanding deficiencies in this facility. The motion was unanimous.

APPEAL #070374: Mr. Gerard Bucci Jr., for the property located at 761 Bald Hill Road in Warwick. ADSFM Peter Marietti appeared for the Warwick Fire Marshal's Office. Based on the testimony provided regarding the square footage and occupancy of this facility, Commissioner Richard made a motion, seconded by Commissioner Filippi, that a local fire alarm was not required in this facility and that there was no violation. The motion was unanimous.

APPEAL #100224: Mr. Paul Browne, for the property located at 399 Kilvert Street in Warwick. ADSFM Peter Marietti appeared for the Warwick Fire Marshal's Office. Commissioner Filippi made a motion, seconded by Commissioners Pearson and Richard, to grant the Applicant a time variance of thirty (30) days in which to present a plan

of action for the correction of the outstanding deficiencies within this facility to the Warwick Fire Marshal's Office and an additional 150 days in which to implement the above plan of action. The Warwick Fire Marshal's Office is granted the authority to extend the above timelines for good faith efforts being shown by the Applicant. The motion was unanimous.

APPEAL #100290: Mr. Frank Deluca, for the property located at 1700 Elmwood Avenue in Warwick. ADSFM Peter Marietti appeared for the Warwick Fire Marshal's Office. Commissioner Richard made a motion, seconded by Commissioners Jasparro and Filippi, to grant the Applicant a time variance of thirty (30) days in which to present a plan of action for the correction of the outstanding deficiencies within this facility to the Warwick Fire Marshal's Office and an additional 150 days in which to implement the above plan of action. The Warwick Fire Marshal's Office is granted the authority to extend the above timelines for good faith efforts being shown by the Applicant. The motion was unanimous.

APPEAL #100303: Mr. Andre Vafiadis, for the property located at 2081 Post Road in Warwick. Commissioner Dias made a motion, seconded by Commissioner Richard, to grant the Applicant a time variance of thirty (30) days in which to present a plan of action for the correction of the outstanding deficiencies within this facility to the Warwick Fire Marshal's Office and an additional 150 days in which to implement the above plan of action. The Warwick Fire Marshal's

Office is granted the authority to extend the above timelines for good faith efforts being shown by the Applicant. The motion was unanimous.

APPEAL #100303Z: DBVW Architects, for the property located on West Road in Cranston (Virks Building). Commissioner Preiss made a motion, seconded by Commissioner Pearson, to reaffirm the Applicant's previously granted variances pertaining to headroom at the existing cited basement stair and for the guardrail height at the cited existing stairs. The Board further grants a variance from Chapter 7, table A.7.6 in order to allow the Applicant to maintain the existing dead end corridors in their current configuration, there being no objection by the State Fire Marshal's Office. The motion was unanimous.

Under old business, a December 7, 2010 letter from Governor Carcieri was read, in which he announced the appointment of Dana Newbrook as Chairman of the State Fire Board.

**Respectfully submitted
Carol Marsella**